

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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2005 FEB 15 P 12:46

U.S. DISTRICT COURT
DISTRICT OF MASS

JULIAN MONTESINO
PLAINTIFF, PRO-SE

VS.

CIVIL ACTION No. _____

BRUCE E. CHADBOURNE, AND THE
IMMIGRATION AND NATURALIZATION
SERVICE ("INS") CUSTOM SERVICE
RESPONDENTS

05 - 10319 RWZ

AFFIDAVIT OF JULIAN MONTESINO IN SUPPORT
OF HIS MOTION FOR DECLARATORY JUDGEMENT

I, Julian Montesino, being duly sworn, deposes and says:

1. That I am a Naturalized Citizen of Cuba and I have already been declared deportable by Immigration and Naturalization Service, Custom Service, and I have been considered an "Excludable Alien" that can't be repatriated to Cuba because of the status of normalization between the two Countries.

2. Plaintiff instituted an Action for Declaratory Judgement under 28 U.S.C.S. sec. 2201 and under 5 U.S.C.S. sec. 701 et seq. for judicial review of Administrative proceedings arising under 8 U.S.C.S. sec. 1182 of the Immigration and Nationality Act.

3. The plaintiff was parole by the Immigration and Naturalization Service, Custom Service, under the Mariel Review Board.

4. The defendant INS has violated the plaintiff's parole Four times on non-aggravated offenses, thus, issuing a detainer warrant, depriving plaintiff the advantages of parttaking in minimum status work release programs and Community base Out-Reach programs to reintergrate back into society.

5. The plaintiff states that because the INS continues to issue a warrant for his deportation, after his deportation has been adjudicated is a violation of his Fourteenth Amendment right to the United states Constitution.

6. The actions and procedures of defendant and of its agents and employees are a flagrant violation of the laws, a gross denial of plaintiff's right to due process of law, and in direct contravention of applicable judicial decisions.

7. Plaintiff has exhausted all administrative remedies and has no adequate remedy at law.

SIGNED UNDER THE PAINS AND PENALITES OF PERJURY ON THIS 14
DAY OF FEBRUARY 2005

cc/file
suag

Julian Montesino
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